

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON DAVIS,
Plaintiff,
v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Case No. [21-cv-08491-PJH](#)

ORDER OF TRANSFER

Re: Dkt. No. 3

This is a civil rights case brought pro se by a state prisoner. Plaintiff alleges he was the victim of excessive force by correctional officers. The acts complained of occurred at North Kern State Prison which lies within the venue of the United States District Court for the Eastern District of California. Venue, therefore, properly lies in that district and not in this one. See 28 U.S.C. § 1391(b).¹

This case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a). In view of the transfer, the court will not rule upon plaintiff's motion to proceed in forma pauperis (Docket No. 3) which is **VACATED**.

IT IS SO ORDERED.

Dated: December 14, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge

¹ To the extent plaintiff still seeks to proceed with a claim pursuant to *Scholl v. Mnuchin*, 494 F. Supp. 3d 661 (N.D. Cal. 2020), any such claim is dismissed. That case is closed, and plaintiff cannot obtain the relief he seeks. He also concedes that he received a payment of \$1400. Docket No. 6 at 1; Docket No. 7 at 5.